

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVELL C. HOLMES,
Plaintiff,

v.

A. MARTINEZ, et al.,
Defendants.

No. 2:22-cv-01271-TLN-CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 22, 2023, the undersigned filed Findings and Recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations. The court construes the objections as a request for an extension of time to file an amended complaint. So construed, the request is granted. Plaintiff may file an amended complaint within 90 days from the date of this order. If plaintiff files an amended complaint, the court will vacate the February 22, 2023 Findings and Recommendations to dismiss this action without prejudice. If plaintiff fails to file an amended complaint within the time provided, the Findings and Recommendations will be submitted to the

district judge assigned to this matter.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's objections (ECF No. 10) are construed as a request for an extension of time to file an amended complaint. So construed, the request is granted.

2. Plaintiff is granted 90 days from the date of this order to file an amended complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must bear the docket number assigned this case and must be labeled "Amended Complaint."

Dated: April 7, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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